

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 285 OF 2001.

1. Smt. Olivia Anneth B.S.V.
Coelho, Member, South Goa
Zilla Panchayat, Raia
Constituency, resident of
House No. 343, Angandi,
Karvota, Loutulim,
Salcete, Goa.
2. Shri Rohidas Laxman Naik,
Member, South Goa Zilla
Panchayat, Balli Constituency,
resident of Quepem, Goa.
3. Shri Gustav Clovis da Costa,
Member, South Goa Zilla Panchayat,
Velim Constituency, resident of
House No. 2, Assolna, Salcete, Goa.
4. Shri Benedicto Francis Themundo,
Member, South Goa Zilla Panchayat,
Navelim Constituency, resident of
House No. 461, Navelim, Salcete, Goa.
5. Shri Joseph Anthony Dias,
Member, South Goa Zilla Panchayat,
Chinchinim Constituency,
resident of House No. 558,
Dandewado, Chinchinim,
Salcete, Goa.
6. Shri Atul Krishna Verlekar,
Member, South Goa Zilla Panchayat,
Davorlim Constituency, resident of
House No. 445, Layamati, Davorlim,
Navelim, Salcete, Goa. ... Petitioners.

VERSUS

1. State of Goa,
Through the Chief Secretary,
with office at Secretariat,
Panaji, Goa.
2. Government of Goa,
Through the Chief Secretary,
with office at Secretariat,
Panaji, Goa.
3. The Director,
Directorate of Panchayats,
Junta House, Panaji, Goa. ... Respondents.

Mr. Amrut Kansar, Advocate for the Petitioners.

Mr. A.N.S. Nadkarni, Advocate General with Ms. S. Sabnis,
Additional Government Advocate for the Respondents.

**CORAM: N.N. MHATRE &
P.V. HARDAS, JJ.**

DATE: 4TH FEBRUARY, 2004.

ORAL JUDGMENT: (PER SMT. MHATRE, J.)

Mr. Kansar states that all other prayers in the petition have been complied with and only prayer (b) of the petition remains to be decided. Prayer (b) reads as under :-

" b) That the Hon'ble High Court be pleased to order and direct that Section 140 of the Goa Panchayat Raj Act, 1994 is inconsistent with Article 243 G of the Constitution of India and consequently null and void by means of a writ of mandamus or writ in the nature of mandamus or any other writ, order or direction by the Hon'ble High Court. "

2. As the other prayers in the Petition have been decided, we are of the view that the decision of this prayer will only be of academic interest. Leaving this issue open, the petition is disposed of with no order as to costs. The petitioners may agitate the issue in prayer (b) in appropriate proceedings as and when the occasion arises.

NISHITA MHATRE, J.

P.V. HARDAS, J.

sl.